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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/021,648	10/30/2001	Nelson Liang An Chang	10017788 -1	9233

7590 05/19/2004

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

DETWILER, BRIAN J

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 05/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/021,648	CHANG, NELSON LIANG AN	
	Examiner	Art Unit	
	Brian J Detwiler	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) 9-33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-33 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-8, drawn to viewing and navigating a three-dimensional graphical environment, classified in class 345, subclass 850.
- II. Claims 9-17, drawn to grouping arrangements for a plurality of images, classified in class 345, subclass 764.
- III. Claims 18-23, drawn to labels in a three-dimensional environment, classified in class 345, subclass 849.
- IV. Claims 24-27, drawn to user interaction with images, classified in class 345, subclass 852.
- V. Claims 28 and 29, drawn to interactive zones, classified in class 345, subclass 848.
- VI. Claims 30 and 31, drawn to elevation perspectives in a three-dimensional environment, classified in class 345, subclass 848.
- VII. Claims 32 and 33, drawn to maintaining a navigation history, classified in class 345, subclass 850.

The inventions are distinct, each from the other because of the following reasons:

Inventions I through VII are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, each invention has separate utility and represents a distinct feature of a three-dimensional graphical environment. For instance, Group I is drawn to a

method of viewing and navigating the environment, while group II is drawn to a method of grouping images in a distinguishable manner. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and the search required for one group is not required for any of the remaining groups, restriction for examination purposes as indicated is proper.

During a telephone conversation with Susan Heminger on 12 May 2004 a provisional election was made without traverse to prosecute the invention of Group I, claims 1-8. Affirmation of this election must be made by applicant in replying to this Office action. Claims 9-33 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 4, 6, and 8 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by U.S. Patent No. 6,346,938 (Chan et al).

Referring to claim 1, Chan discloses in column 1: lines 40-67 and column 2: lines 1-49 a method of navigating through a three-dimensional graphical environment comprising at least two viewing modes for viewing the environment. Chan describes the two viewing modes in this

section as a "down inside" or "in-scene" view and a "bird's eye" or "overview" view. The "in-scene" and "overview" terminology indicate the presence of an invisible boundary that defines the constraints of each view.

Referring to claim 2, Chan discloses in Figure 19 an "in-scene" view within the primary viewport. The view shows a building that forms at least one partition within the graphical environment. Chan further explains in column 3: lines 20-35 that one method of navigation allows the user to "pop up" to the overview viewpoint, navigate to a new location, and then drop back down to the "in-scene" view. Users can thus pass over partitions in this manner.

Referring to claim 4, Chan discloses in column 3: lines 5-19 that the two viewing modes are user selectable.

Referring to claim 6, Chan discloses in Figure 19 that the partition comprises at least one doorway. Users can thus pass through the partition via said doorway while in the "in-scene" viewing mode.

Referring to claim 8, Chan discloses in column 13: lines 35-42, column 16: lines 52-61, and column 17: lines 37-61 that the process of switching between modes is smooth and continuous, thereby giving the appearance of flying over partitions.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,346,938 (Chan et al) as applied to claim 2 above, and further in view of U.S. Patent No. 6,219,045 (Leahy et al).

Referring to claim 3, Chan fails to disclose that any portion of the partition is transparent or translucent. Leahy, however, discloses in column 5: lines 45-50 and column 7: lines 18-23 a three-dimensional graphical user interface wherein partitions can be transparent. In one implementation, the transparent partition allows a user to view other users in adjacent rooms. In the other implementation, the transparent partition allows a user to view a mirror image of their avatar. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use transparent or translucent partitions in the invention of Chan so that users can view other users in adjacent rooms or so that users can view mirror images as implemented by Leahy.

Referring to claim 7, Chan discloses in Figure 19 that the partition comprises at least one doorway. Users can thus pass through the partition via said doorway while in the "in-scene" viewing mode.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,346,938 (Chan et al) as applied to claim 1 above, and further in view of U.S. Patent No. 6,608,640 (Nagahara et al).

Referring to claim 5, Chan fails to disclose a method for automatically switching between viewing modes dependent on user movement. Nagahara, however, discloses in columns 9 and 10 a method for switching between a bird's eye or panoramic view and a non-panoramic view.

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Said switching is accomplished by the user moving to a designated "entrance hall" portion, which provides the user with a wider viewpoint of the world. Said switching thus occurs automatically based on user movement. An implicit advantage to this method is that it provides an intuitive mechanism for displaying a plurality of important objects and then allows the user to select or inspect a desired object. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to switch between two views automatically based on user movement in the invention of Chan so that the user can more intuitively interact with the environment as taught by Nagahara. Upon first entering a room or a city block, for instance, Nagahara suggests that users could be automatically switched to a panoramic or bird's eye view so that they can get a better understanding of visible world.

Conclusion

The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach alternative methods of three-dimensional navigation.

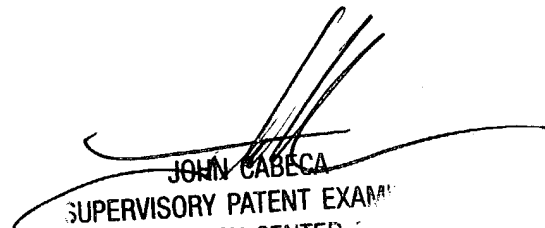
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J Detwiler whose telephone number is 703-305-3986. The examiner can normally be reached on Mon-Thu 8-5:30 and alternating Fridays 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W Cabeca can be reached on 703-308-3116. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

bjd


JOHN CABECA
SUPERVISORY PATENT EXAMINER
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